



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

February 8, 2021

The Honorable Cheryl Andrews-Maltais
Chairwoman of Wampanoag Tribe of Gay Head (Aquinnah)
20 Black Brook Road
Aquinnah, MA 02535

Dear Chairwoman Andrews-Maltais:

The purpose of this letter is to inform you that the U.S. Environmental Protection Agency has received and deemed complete an application for a preconstruction permit in accordance with the Outer Continental Shelf (OCS) Air Regulations at 40 C.F.R. § 55.4 from Deepwater South Fork, LLC (now South Fork Wind, LLC). Per the *EPA Policy on Consultation and Coordination with Indian Tribes*, the EPA Region 1 welcomes the opportunity to conduct government-to-government consultation prior to issuing the OCS air permit.

As background, section 328(a) of the Clean Air Act (42 U.S.C. § 7401 *et seq.*) as amended by Public Law 101-549 enacted on November 15, 1990, required the EPA to establish air pollution control requirements for OCS sources subject to the Outer Continental Shelf Lands Act (OCSLA) for all areas of the OCS, except those located in the Gulf of Mexico west of 87.5 degrees longitude,¹ in order to attain and maintain federal and state ambient air quality standards and comply with the provisions of part C of Title I of the Act.² To comply with this statutory mandate, on September 4, 1992, the EPA promulgated “Outer Continental Shelf Air Regulations” at 40 C.F.R. part 55. *See* 57 FR 40792.

OCS sources can include wind energy development sources which are authorized under OCSLA at 43 U.S.C. § 1337(p)(1)(C).³ The Department of Interior delegated this authority to the Minerals Management Service (now the Bureau of Ocean and Energy Management, or BOEM). On April 22, 2009, BOEM issued final regulations for the OCS Renewable Energy Program. These regulations, codified at 30 C.F.R. part 585, provide a framework for issuing leases,

¹ Public Law 112-74 enacted on December 23, 2011 amended § 328(a) to add an additional exception from EPA regulation for OCS sources “located offshore of the North Slope Borough of the State of Alaska.”

² Part C of Title I contains the Prevention of Significant Deterioration of Air Quality (PSD) requirements.

³ The Energy Policy Act of 2005 (Pub. L. No. 109-58) amended OCSLA to add subsection (p)(1)(C), granting the Secretary of Interior the authority to issue leases, easements, or rights-of-way on the OCS for activities that “produce or support production, transportation, or transmission of energy from sources other than oil and gas” which includes renewable energy development, including wind energy development.

easements, and rights-of-way for OCS activities that support production and transmission of energy from sources other than oil and natural gas. South Fork Wind, LLC will locate the windfarm on BOEM Lease Area OCS-A 0517 (see enclosed map).

On February 1, 2019, South Fork Wind submitted a permit application to EPA Region 1 for air emissions associated with the proposed construction, operation, and maintenance activities for wind turbine generators and supporting equipment to use offshore wind energy to generate approximately 130 megawatts of electricity. The proposed windfarm would be located in federal waters on the OCS approximately 23 miles southwest of Martha's Vineyard and have power exported through a subsea cable to Long Island, New York. Because the project has the potential to emit air pollutants and is located on the OCS, it is subject to the 40 C.F.R. § 55 requirements, including the 40 CFR § 55.6 air permitting requirements. EPA Region 1 reviewed and determined the OCS air permit application complete on January 13, 2021.

An electronic copy of South Fork Wind LLC's air permit application is available via a shared drive link. If you would like to discuss this further or wish to engage in government-to-government consultation, please contact Undine Kipka at (617) 918-1335 or kipka.undine@epa.gov by March 5, 2021. If we do not receive a response from you by this date, we will assume that you do not wish to pursue consultation on this matter and EPA Region 1 will move forward with the permitting action.

Sincerely,

LYNNE HAMJIAN

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HAMJIAN
Date: 2021.02.08 15:52:20 -05'00'

Lynne Hamjian, Director
Air and Radiation Division

cc: Bret Stearns, Natural Resources Director (via email)
Bettina Washington, THPO (via email)

Enclosure

Enclosure: South Fork Project Location

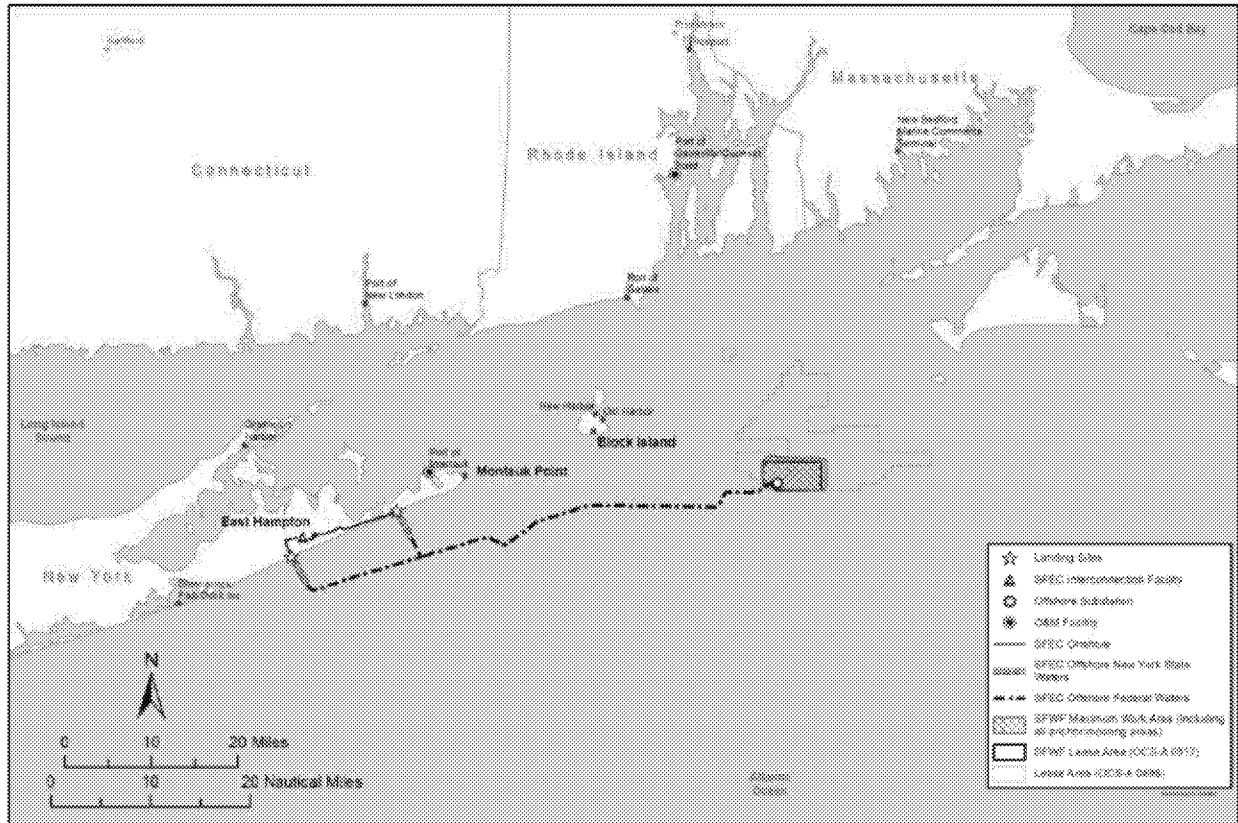


Image source: Figure 1.2.1-1 in the South Fork Wind Farm and South Fork Export Cable Project Draft Environmental Impact Statement, accessed on January 27, 2021, at https://www.boem.gov/sites/default/files/documents/renewable-energy/SFWF-DEIS_0.pdf.